

Remarks

Applicants have amended claims 25 and 26 as suggested by the Examiner. Claims 27 and 28 were cancelled in the amendment submitted on July 16, 2004, and are noted as cancelled in the amended claims above. Applicants respectfully submit that the amendments should be entered as they reduce the number of issues to be addressed upon appeal.

Applicants note with appreciation Examiner's withdrawal of the rejection based upon 35 U.S.C. 102.

Examiner has maintained the rejection of claims 24-36 and 41 as obvious in view of Thrakrar (US 6,337,040) and rejected claims 42-43 as obvious in view of Thrakrar, stating "one of ordinary skill in the art would have been able to pick and choose suitable resins and molecular weights from the resins generally taught in Thrakrar et al". Page 3, November 17, 2004 rejection. Applicants respectfully disagree. Thrakrar is absolutely silent as to the molecular weight range which is necessary to make polyHEMA work as the polymer component in the binding polymer. No place does Thrakrar disclose or suggest that the molecular weight of the resin should be varied. None of the Examples list the molecular weights which were used. The only disclosure or suggestion of the importance of molecular weight came from the Applicants specification.

Thrakrar discloses "the procedure is initiated by dissolving a resin in a solvent and then dispersing an insoluble pigment or dye in the resulting solution to produce a special coloring liquid" Column 3, lines 32-35. As clearly shown by the evidence presented in the declaration of Douglas Vanderlaan, submitted on July 16, 2004, the poly(HEMA) commercially available from Aldrich at the time Thrakrar was filed did not dissolve in any of the solvents disclosed in the Example of Thrakrar. There is nothing in Thrakrar which would have suggested to one of skill in the art that a different molecular weight should be used. The only suggestion that the molecular weight of the polyHEMA was critical is contained in the present application at page 5, lines 20-27. Thus, the only suggestion for the invention claimed in the claims as amended, comes from the Applicant's own specification.

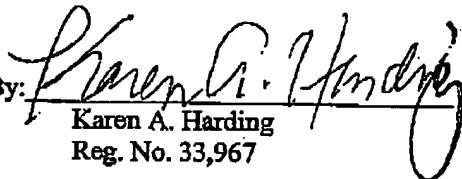
Accordingly, Applicants respectfully submit that claims 24-26, 29-30 and 41-43 are patentable over Thrakrar.

Applicants also note that claims 29 and 30 require two medium boiling solvents and one low boiling solvent. The low boiling solvent decreases the viscosity of the binding polymer solution. Mixtures of solvents, let alone the two medium/one low boiling point solvent mixtures

are neither disclosed nor suggested by Thrakrar. Accordingly, Applicants submit that claims 29 and 30 are patentable over Thrakrar.

Applicants respectfully submit that the foregoing amendments and arguments have traversed the Examiner's rejections. Withdrawal of the rejections and allowance of the claims as amended is respectfully requested.

Respectfully submitted,

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